

### REMARKS

Claims 4-6 are pending in the present application and are all presently rejected. The Applicants request reconsideration of the rejections in light of the following remarks.

Claims 4-6 of were rejected under 35 U.S.C. §103(a) as being unpatentable over *Rogers* (U.S. Pat. No. 5,617,471) in view of *Shaffer* (U.S. Pat. No. 5,825,858). The Applicants respectfully traverse this rejection for the following reasons.

Concerning independent claim 4, the present Office Action appears to assert, among other things, that the claimed element of “initiating setup, via the telecommunications switching office, and after reception of a request originating from the one of the further subscriber line and the operator’s position, of a new direct telecommunications connection between the two subscriber lines wherein the telecommunications switching office requests one of two further telecommunications switching offices to which the two subscriber lines are respectively connected to set up the new telecommunications connection. . .” is taught by *Rogers*. In support of this assertion, the Office Action references FIG. 1 and col. 2, lines 10-30 of the reference. The Applicants respectfully disagree with this assertion and submit that *Rogers* does not teach this element based on the following arguments.

*Rogers* discloses a call transfer that is based on a first connection from a USER B (8) via a switch B (12) and a switch A (6) to a USER A (2) and a second connection between the USER A (2) via switch A (6) and a switch C (18) to a USER C (14) (see, e.g., FIGs. 1 and 7). The setup of the second connection from USER B to USER C (i.e., the removal or, respectively, release of the USER A), occurs such that a connection from USER B is set up via switch B, switch A, and switch C to USER C (see, e.g., FIG. 2 or FIG. 8). Thus, in general, *Rogers* is actually only teaching the setup of a connection between a CPE and a switch, such as a connection between USER A and switch A, as an example. Considering all the teachings of *Rogers* given in the disclosed examples, a call between the two connected users always remains connected via the switch A.

In contrast to the teachings of *Rogers*, claim 4 features “initiating setup. . . of a new direct telecommunications connection between the two subscriber lines. . .” Thus, if the system of *Rogers* employed the claimed features of claim 4, the call transfer from the USER B to the USER C would be carried out such that a connection from the USER B would be set up via the

switch B and the switch C to the USER C; i.e, without the use of switch A. This, however, is not the teaching or suggestion of *Rogers*. Nor is this element taught or suggested by *Shaffer*. Thus, this element is simply not met by the cited references, either combined or taken separately.

Additionally, the cited references do not teach or suggest the claimed feature of "set[ting] up the new telecommunications connection in accordance with a selection which is made as a function of a tariff model which forms a basis of a billing system." As an example using the methodology of *Rogers*, if a subscriber B situated in the U.S., for example, called a subscriber A situated in Mexico and if subscriber B requested a transfer to a subscriber C in Canada, a connection would exist after the transfer from the subscriber B with switch B in the US to switch A in Mexico and from there to switch C with the subscriber C in Canada. The fees would correspond to the number of connections. In contrast, using the above features of claim 4, a connection from the subscriber B would exist after the transfer with switch B in the U.S. to switch C with the subscriber C in Canada. Fees would only arise for the connection from B to C. Costs for the remote connection from B to A and from A to C would not arise contrary to the methodology of *Rogers* or *Shaffer*. Accordingly, the cited references do not teach or suggest all the elements of claim 4.

Concerning dependent claims 5 and 6, these claims are believed allowable on their merits and also on their dependency on claim 4.

In light of the above, the Applicants respectfully submit that claims 4-6 of the present application are patentable over the art of record. Therefore, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

  
Patrick B. Law

Reg. No. 41,549

P.O. Box 1135

Chicago, Illinois 60690-1135

Phone: (312) 807-4292

Dated: September 27, 2004